

STANDING COMMITTEE ON CYBERSPACE LAW
Business Law Section, State Bar of California

Minutes of Meeting
January 11, 2007

A meeting of the Cyberspace Committee of the Business Law Section, State Bar of California was held at 10:00 a.m. on January 11, 2007 in the Palo Alto California, Bingham McCutchen, 1900 University Ave. East Palo Alto, CA and by teleconference.

Members attending were Matt Cooney, Francoise Gilbert (in person), Eric Goldman, Rob Hale, Sue Krenek, Winston Krone, Denise Olrich (in person), Kristie Prinz (in person), Jim Snell (in person), David Tollen (in person) and Michael Dergosits.

Also attending were Executive Committee Liaison Dan Appelman (in person), liaison from the Corporations Committee, James Thompson, Special Advisors, Phil Green, Paul Ambrosio, and Andy Serwin and guest Kasey Chappelle from Ebay.

Denise Olrich, Chair, presided. Jim Snell was appointed temporary Secretary.

I. Minutes from prior meeting

Approved.

II. Membership

There are still two vacancies on the committee.

In addition, the Committee discussed updating the membership roster and matrix, which Denise has circulated. Members should send Denise profile updates and may include photos. This will lead to an update of the membership roster on the Committee's Website.

III. Constituency

Members were encouraged to contact other potential recipients of the group email newsletter.

IV. Subcommittee assignments

Members asked to check and correct subcommittee assignments (below from last minutes) to accurately reflect membership:

Leg/Reg: Sue Krenek and Bennett Kelly will serve as co-chairs, with Sue taking the lead on federal legislation and Bennett on state. Maureen Young volunteered to coordinate the Committee's 2007 legislation day event in Sacramento.

Constituent Committee: Matt Cooney and Michael Dergosits co-chair the subcommittee, taking the lead on revising the Committee's Website.

E-commerce / Privacy: Francoise Gilbert and Rudy Guyon will co-chair the subcommittee. Maureen will speak on pretexting at the subcommittee's November 30 meeting. The subcommittee's areas of interest will include issues surrounding user-generated content.

Telecom & IP: Kristie Prinz and Konrad Trope will co-chair the subcommittee.

Speakers: Val Hornstein and Rob Hale

Sacramento Day: Maureen Young

V. Events

SEI: The Committee has been asked to present *The Hottest Issues in Cyberspace* at the Section Education Institute ("SEI") on January 20, 2007, in Berkeley. Rob Hale reported that Francoise is talking about information security and privacy. Winston regarding cyberstalking and use of Internet databases, Rob re Internet access liability, Kristi re blogging. Two hour presentation.

David Tollen has been asked to speak at the Corporate Law Depts. Committee session at SEI. He will cover recent events in privacy and intellectual property law related to cyberspace.

International Law Section: Rudy, Francoise, What every lawyer should know about global privacy issues. January 19, 2007.

Annual meeting: September 20-30, 2007. Anaheim, CA. January 31st is topic deadline. We will propose hottest issues in Cyberspace law. Andy to coordinate topic submission.

VI. Attendance

We will track attendance so members should review each month to make sure accurate.

VII. Subcommittee Reports

Website: Website is revamped. Everyone should check this out. There are links to mission statements. Links have been simplified to track publications. There is a link for e-bulletins.

E-Commerce: Last month Maureen Young gave a presentation on pretexting.

LSI program was also put on in year with Francoise and Rudy as co-chairs. Dan, Maureen, Denis, and Sue also participated. Conference received rave reviews. Committee has been discussing topics and presentations. Probably will organize another conference with LSI this year. Committee may try to organize a mini-conference this year. Meetings are held two weeks after Committee meetings. (January 25th is next meeting.)

Francoise is assembling a global database of privacy law through Science and Technology section of ABA and is soliciting participation on this project.

Legislative and regulatory: Sue reported that plan is to start updates next month. With Sacramento day may try to do a state and federal update next week. Committee to discuss Bennett's proposal re briefing book on ecommerce issues for state legislators. A lot of legislators in this area have termed out and freshman legislators express a need for an overview or ecommerce legislation. This would be a roadmap for hot issues, with bibliography of good resources for cyberlaw topics. Rob, Denise, Andy, Jim offer to help. Sue will provide call in information for a 4 pm call on January 16, 2007 to begin the discussions.

Sacramento day: No date set for the meeting yet, we should have a date in February.

Newsletter: First issue of e-bulletin out. Denise will send further notices regarding this. Anyone who wants to contribute articles should provide to Denise. Short blurbs on new developments are welcome. Topics should only be recent developments. A blog was considered but the bar rejected the idea.

Telecom and IP: Kristi wrote an article on pretexting that was published in business law today for the ABA. If anyone else is interested in joining, let Kristie know.

Speakers subcommittee: Subcommittee does not regularly meet. Instead, Rob will lead a more informal effort to solicit speakers for events and through committee and other subcommittee meetings.

VIII. Liaisons to Other Committees

Executive Committee of the Business Law Section ("BLS"): Dan Appelman will continue to serve as liaison.

Corporate Law Departments Committee of the BLS: David Tollen will serve as liaison. David reports first meeting went well and potential future speaking engagements.

Cyberspace Committee of the Intellectual Property Section: Kristie Prinz is investigating.

Cyberspace Committee of the American Bar Association: Kristie Prinz and

Konrad Trope will serve as liaisons.

IX. Career Corner: David Tollen

David summarized his practice history, including forging casual day as an acceptable standard, the fun of running his own firm, and publishing *The Tech Contracts Pocket Guide* (available everywhere fine books are sold—Amazon, etc.; see www.techcontracts.net). David does technology and IP licensing and cyberspace law. Represents buyers and sellers of technology, mostly larger companies but some start-ups. Also some work for government agencies, wrote some provisions for California government standard IT contracts. David works out of San Francisco, firm is called Tollen Legal."

X. Santa Clara Hi-Tech Law Institute

Jenny Cox from Santa Clara provided input on a potential program. Jenny thought attendance would be enhanced if topic was more narrow than Cyberspace law generally. Targeted, evening programs work best, but we could still discuss a Saturday symposium. Jenny is a member of state bar's IP section and proposed a joint program. General discussion that we need to identify a focus, perhaps for the next academic year. We will try to organize a subcommittee to work further on this issue.

XI. Updating the Mission Statement

Materials have been circulated and the committee will discuss them at the next meeting.

The meeting was concluded at approximately 12:00 p.m.

Next Meeting. The next meeting of the Committee will be announced by Denise shortly, perhaps at Konrad's office.